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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/808,120

03/23/2004

Scott Papineau

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02/07/2008

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EXAMINER

DWIVEDI, MAHESH H

ART UNIT

PAPER NUMBER

2168

MAIL DATE

DELIVERY MODE

02/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/808,120

Applicant(s)

PAPINEAU ET AL.

Examiner

Mahesh H. Dwivedi

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6, 9-14, 19-22, 28, 38-41 and 43-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14, 19-22, 28, 40, 41, 43, 52, 53, 55 and 56 is/are allowed.
- 6) ☒ Claim(s) 1, 6, 9-13, 38, 39, 44-51 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/5/2006 has been entered.

Remarks

2. Receipt of Applicant's Amendment, filed on 10/31/2007, is acknowledged. The amendment includes amending claims 1, 6, 9-10, 12, 14, 19-22, 28, 38-39, and 41, the addition of claims 44-56, and the cancellation of claims 2-5, 7-8, 15-18, 23-27, 29-37, and 42.

Claim Rejections - 35 USC § 112

4. The objections raised in the office action mailed on 12/27/2007 have been overcome by the applicant's amendments received on 06/27/2007.

Claim Objections

5. Claim 46 is objected to because of the following informalities: The phrase ""tel:." should be changed to "tel:". The examiner further wishes to state that the quotation marks are unnecessary and should be removed for clarity. Appropriate correction is required.

Claims 47-50 are objected to for similar reasoning.

6. Claims 46-50 are objected to because of the following informalities: The applicant is reminded that all claims should end in a period. Specifically, the examiner suggests that applicant remove the quotation marks and put a period at the end of the claim. Appropriate correction is required.

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1, 6, 12-13, 38-39, 44-45, and 51, are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of **Papineau** (U.S. Patent No. 7,092,703).

9. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons: Claim 1 of the instant application substantially recites the limitations of claim 1 of **Papineau**. Both claims recite similar language for an application management system in a mobile information device containing MIDlets which take input and pass out output.

Application Claim 1	U.S. Patent 7,092,703
1. A) <u>at the application management</u>	1. A method for an application

<p><u>system</u>, accepting first data from a <u>first Java MIDlet application on the mobile information device (Pages 28-29 and 32);</u></p> <p>B) <u>wherein the first Java MIDlet application is identified by a first URI, and wherein the first data comprises a second URI (Pages 27;</u></p> <p>C) <u>at the application management system</u>, accepting second data from the <u>first Java MIDlet application on the mobile information device (Pages 29 and 32);</u></p> <p>D) <u>at the application management system</u>, appending the second data to the <u>URI that identifies the first Java MIDlet application (Pages 29 and 32); and</u></p> <p>E) <u>passing the appended second data and the URI that identifies the first Java MIDlet application from the application management system to a second Java MIDlet application on the mobile information device.</u></p>	<p>management system to allow a Java MIDlet executing on a mobile information device to access a universal message handler, the method comprising:</p> <p>A) receiving from the universal message handler a URI that references the Java MIDlet,</p> <p>B) the universal message handler being located on the mobile information device;</p> <p>C) receiving from the universal message handler a key associated with the URI, wherein the key is embedded in the URI passed to the Java MIDlet;</p> <p>D) launching the Java MIDlet on the mobile information device;</p> <p>E) passing the URI to the Java MIDlet; and</p> <p>F) passing the key to the Java MIDlet, wherein the Java MIDlet gains access to the universal message handler by returning the key to the universal message handler.</p>
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Specifically, the instant application operates in an application management system environment, wherein the process requires receiving data from a first Java MIDlet and adding data to the received data, in order to pass that data to a second Java MIDlet). Moreover, the cited patent of **Papineau** also requires the same process as the instant application where the receiving of data (URI) from a first Java MIDlet (Handler), and adding data to the received data (key), in order to pass that data to a second Java

second Java MIDlet (Java MIDlet). However, the cited patent of **Papineau** does not explicitly claim operating in an Application Management System environment.

It would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the cited steps as indicated in claim 1 of **Papineau** because the addition of the cited limitation of an Application Management System would increase efficiency in managing communications between Java MIDlet applications in a mobile device.

Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons: Claim 13 of the instant application substantially recites the limitations of claim 7 of **Papineau**. Both claims recite similar language where a mobile information device comprises a PDA, phone, or pager.

Application Claim 13	U.S. Patent 7,092,703
13. wherein the mobile information device is a mobile phone, a personal digital assistant or a two-way pager.	7. The method of claim 1, wherein the mobile information device is a mobile phone, a personal digital assistant or a two-way pager

It would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the cited steps as indicated in claim 1 of **Papineau** since the addition of the cited limitation would not have changed the process according to which the method of wherein the mobile information device is a mobile phone, personal digital assistant, or a two-way pager.

Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons: Claim 38 of the instant application substantially recites the limitations of claim 2 of **Papineau**. Both claims recite similar language where a computer readable medium can execute the instructions of an Java MIDlet communications.

Application Claim 38	U.S. Patent 7,092,703
38. a compute readable medium containing instructions for causing a	2. The method of claim 1 further comprising a computer readable medium

processor to execute the steps of the method of claim 1.	having stored therein instructions for causing a processor to execute the steps of the method.
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It would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the cited steps as indicated in claim 1 of **Papineau** since the addition of the cited limitation would not have changed the process according to which the method of using a processor to perform the steps of claim 1.

Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons: Claim 39 of the instant application substantially recites the limitations of claim 3 of **Papineau**. Both claims recite similar language where passing a URI comprises selecting from a group of specified functions.

Application Claim 39	U.S. Patent 7,092,703
39. wherein the request <u>sent to the application management system</u> from the application comprises a request selected from the group consisting of: (i) a request for data via a getMediaType () object oriented method, (ii) a request for data via a getConnectType() object-oriented method, (iii) a request for data via a getMuglet() object-oriented method, (iv) a request for data via a getReferringURI() object-oriented method, and (v) a request for data via a getURI() object-oriented method.	3. wherein passing the URI to the Java MIDlet includes passing the URI to the Java MIDlet via at least one of getMediaType(), getContentType(), getMuglet(), getReferringURI() and getURI() object-oriented methods

It would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the cited steps as indicated in claim 1 of **Papineau** since the addition of the cited limitation would not have changed the process

according to which the method of sending a request to an application management system.

Allowable Subject Matter

10. Claims 14, 19-22, 28, 40-41, 43, 52-53, and 55-56 are allowed.
11. Claims 9-12, 44-45, and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

12. The following is an examiner's statement for reasons for allowance:

Prior art fails to teach a combination of elements including a method for an application management system on a mobile information device to pass data between application on the mobile information device, the method comprising: at the application management system, accepting first data from a Java MIDlet application in a MIDlet suite on the mobile information device, wherein the Java MIDlet application is identified by a first URI, and wherein the first data comprises a second URI; at the application management system, appending the second data to the URI that identifies the first Java MIDlet application; and

Passing the appended second data and the URI that identifies the Java MIDlet application from the application management system to a non-MIDlet application on the mobile information device, as recited in independent claims 14 and 28.

Specifically, the prior art generally mentions passing information between MIDlet applications, but does not suggest passing data between MIDlet and non-MIDlet applications as well as non-MIDlet and MIDlet applications.

These features, together with the other limitations of the independent claims are novel and non-obvious over the prior art of record. The dependent claims 7-16 as being definite, enabled by the specification, and further limiting to the independent claim, are also allowable.

Response to Arguments

13. Applicant's arguments with respect to claims 1, 6, 9-13, 38-39, 4, 45-51, and 54 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,959,309 issued to **Su et al.** on 25 October 2005. The subject matter disclosed therein is pertinent to that of claims 1, 6, 9-14, 19-22, 28, 38-39, 40-41, and 43-56 (e.g., methods manipulate MIDlets).

U.S. PGPUB 2004/0186918 issued to **Lonnfors et al.** on 23 September 2004. The subject matter disclosed therein is pertinent to that of claims 1, 6, 9-14, 19-22, 28, 38-39, 40-41, and 43-56 (e.g., methods manipulate MIDlets).

U.S. PGPUB 2003/0181193 issued to **Wilhelmsson et al.** on 25 September 2003. The subject matter disclosed therein is pertinent to that of claims 1, 6, 9-14, 19-22, 28, 38-39, 40-41, and 43-56 (e.g., methods manipulate MIDlets).

U.S. PGPUB 2004/0127190 issued to **Hansson et al.** on 01 July 2004. The subject matter disclosed therein is pertinent to that of claims 1, 6, 9-14, 19-22, 28, 38-39, 40-41, and 43-56 (e.g., methods manipulate MIDlets).

Contact Information

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahesh Dwivedi whose telephone number is (571) 272-2731. The examiner can normally be reached on Monday to Friday 8:20 am – 4:40 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached (571) 272-3642. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

Mahesh Dwivedi
Patent Examiner
Art Unit 2168



January 31, 2008



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